

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF	)	
ARTESIAN WASTEWATER MANAGEMENT, INC.	)	
FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO PROVIDE	)	PSC DOCKET NO. 15-1422
WASTEWATER SERVICES PURSUANT TO 26	)	("NORTH SUSSEX")
DEL. C. §203D	)	
(FILED SEPTEMBER 24, 2015)	)	

**ORDER NO. 8810**

This 3rd day of November, 2015, the Delaware Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS**, the Commission exercises regulatory oversight over non-governmental wastewater public utilities that serve fifty or more customers. See 26 Del. C. §§102(2) and 203D(a). That regulatory oversight includes the authority to grant Certificates of Public Convenience and Necessity ("CPCN") to enable an entity to begin the business of a wastewater public utility or to permit an existing wastewater public utility to extend its system and operations. See 26 Del. C. §203D(a). Under such statutory regime, and specifically 26 Del. C. §203D(d)(2), a wastewater utility may obtain a CPCN for a new service territory if it submits petitions executed by the landowners of record of each parcel or property to be encompassed within such new proposed service area which request that the utility's wastewater services be extended; and

**WHEREAS**, on April 1, 2005, the Commission adopted final *Regulations Concerning the Jurisdiction of the Public Service Commission to Grant and Revoke Certificates of Public Convenience and Necessity to Provide Wastewater Services*, 26 Del. Admin. C. §6001 (the

"Regulations"). These Regulations implement the CPCN regime for public wastewater utilities; and

**WHEREAS**, Artesian Wastewater Management, Inc. ("AWMI" or "Company") is a public utility offering wastewater services and is subject to the regulatory oversight of the Commission. On September 24, 2015, AWMI filed an application (the "Application") requesting a CPCN to provide wastewater services to 10 parcels of land in Sussex County, Delaware (the "Proposed Service Area"); and

**WHEREAS**, as required by 26 Del. C. §203D(d)(2) and the Regulations, AWMI included in its Application: (1) a petition requesting wastewater services signed by all of the landowners of record of each parcel or property encompassed within the Proposed Service Area; (2) copies of the United States Postal Service forms verifying that the Company sent, via certified mail, a Commission approved notice to all landowners of record of each parcel included in the Proposed Service Area; (3) a list of the County tax map parcel identification numbers of the properties and identification of all landowners of record included in the Proposed Service Area; (4) a copy of the associated tax map clearly marking the Proposed Service Area; and (5) a copy of a letter from Sussex County approving the CPCN; and

**WHEREAS**, as required by the Regulations, Staff requested written comment from the Division of Water Resources of the Department of Natural Resources and Environmental Control ("DNREC"). On September 30, 2015, DNREC responded stating it had no objection to the Application but indicated a concern about granting wastewater CPCNs for parcels or areas where the respective county officials have not

yet approved a subdivision or development and urged Staff to contact Sussex County Engineering Department (the "County"). Staff copied the County and the Delaware Office of State Planning (the "OSP") on its request for comment sent to DNREC; and,

**WHEREAS**, on September 30, 2015, OSP filed a response which did not object to the Application, but merely provided the Commission with the State of Delaware investment level planning information with respect to the parcels included in the Proposed Service Area; and

**WHEREAS**, the Commission Staff ("Staff") has reviewed the Application and found no errors or omissions. Staff reports to the Commission in its October 16, 2015 memorandum that the Application meets all applicable requirements for granting a CPCN pursuant to 26 Del. C. §203D and the Regulations; and

**WHEREAS**, for these reasons, the Commission finds that AWWI has met the requirements for the granting of a CPCN and, therefore, the Commission shall approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF  
NOT FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to the provisions of 26 Del. C. §203D(d)(2), the Application is approved and the Commission hereby grants a CPCN to AWWI to provide wastewater public utility services to the area more specifically identified by the Sussex County Tax Map Parcel Numbers 135-16.00-26.00, 235-14.00-121-.00, 235-31.00-10.00, 334-4.00-37.04, 334-4.00-37.00, 235-23.00-1.00, 135-11.00-68.00, 334-10.00-23.00, 235-8.00-85.00 and 235-8-84.00.

2. AWWI shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit

conditions that are applicable, or may become applicable, to any matter involving wastewater utility services provided to the service territory granted by this CPCN.

3. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary